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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,453	09/16/2003	David C. Hacker	36943XDA	2884
7590	12/14/2004			EXAMINER AZARIAN, SEYED H
Michael F. Williams Simmons, Perrine, Albright & Ellwood, P.L.C. Suite 1200 115 Third Street SE Cedar Rapids, IA 52401			ART UNIT 2625	PAPER NUMBER
DATE MAILED: 12/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/663,453	HACKER ET AL.
	Examiner	Art Unit
	Seyed Azarian	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 September 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Objections

1. The following quotation of 37 CFR 1.75(d)(1) is the basis of objection:

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See 1.58(a)).

2. Claims 5, 8, 22 and 25 are objected to under 37 CFR 1.75(d) (1) as failing to conform to the invention as set forth in the remainder of the specification. Claim 5 is an original claim, and therefore constitutes part of the original written description. However, while figure 1 appears to depict some of the elements of claim 5, the specification fails to describe all of the elements in words. In order to overcome this rejection, the examiner suggests adding the elements of claim 5 to the appropriate sections of the specification, without adding new matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3, 5, 8-10, 14, 18, 20, 22 and 25-26, are rejected under 35 U.S.C. 102(e) as being anticipated by Faulkerson (U.S. patent 4,804,949).

Regarding claim 1, Faulkerson discloses a data collection apparatus, comprising:

- a user-supportable housing (Fig. 1-3, column 3, lines 21-25, device 20, takes the form of a housing 25, constructed for hand-held use by the system user);
- an optical reader (column 3, lines 26-28, optical elements to capture images);
- and a computerized processing system, located in said user-supportable housing, communicatively coupled with said optical reader (column 3, lines 21-34, optical character recognition);

wherein said optical reader is operable to read handwritten data and wherein said computerized processing system is operable to store handwritten data read by said optical reader (column 3, lines 32-36, capturing images of characters, such as text or handwritten).

Regarding claim 3, Faulkerson discloses the data collection apparatus of claim 1, wherein said optical reader is operable to read handwritten data such as human-generated text and wherein said computerized processing system is operable to store handwritten data such as human-generated text read by said optical reader (column 4, line 67 through column 5, line 9, frame buffer is employed to store the data frames from scanning of the camera along a line of character text).

Regarding claim 5, Faulkerson discloses the data collection apparatus of claim 1, wherein said user-supportable housing comprises a handgrip section, said handgrip section having a cross-section of a size capable of being held in one hand with fingers

and opposing thumb embracing opposite sides of said handgrip section (Fig. 4-6, column 7, lines 19-26, Faulkerson discloses hand-held device, it is clear from Faulkerson reference one hand holds the device and other hand is needed to operate the device, thus (Fig. 4-6) a person would grip the device in the palm of one hand with thumb extended in exactly the manner as the claim).

Regarding claim 8, Faulkerson discloses the data collection apparatus of claim 1, further comprising a user-interface, said user-interface supported by said user-supportable housing, and wherein said user-interface is communicatively coupled with said computerized processing system (column 7, lines 49-60, function key processor (user-interface), key board is connected to a keyboard of the computer station).

Regarding claim 9, Faulkerson discloses the data collection apparatus of claim 1, wherein said optical reader is a digital optical reader, said digital optical reader being capable of communicating read handwritten data to said computerized processing system as digitized data (column 4, lines 1-3, the optical electronic array transforms the optical character data in the reflected light into digital data).

Regarding claim 10, Faulkerson discloses a method of reading handwritten information with a data collection apparatus, (column 3, lines 62 through column 4, lines 8, text printed on paper generated by the light source is projected onto the medium surface. The optoelectronic array transforms the optical character data in the reflected light into digital data);

comprising the steps of: aiming an optical reader at handwritten information (column 3, lines 62-64, with stroboscopic light source in operation, as device 20 is moved by hand along a line of text printed);

the optical reader communicatively coupled with a computerized processing system of a user-supportable data collection apparatus (column 4, lines 13-15, video processor which receives the digital data);

imaging the handwritten information at which the optical reader is aimed; digitizing the imaged handwritten information (column 4, lines 1-3, optical character data in the reflected light into digital data);

storing the digitized handwritten information in the user-supportable data collection apparatus by the computerized processing system (Fig. 2, column 4, lines 52-64, a frame buffer memory 28, also column 4, line 64 through column 5, line 1 cooperation of the array and frame buffer permits the video processor to perform a correlation process. The frame buffer is employed to store the three most current frames of image data).

Regarding claim 14, Faulkerson discloses the method of claim 10, wherein said aiming step comprises aiming an optical reader at handwritten information including human-written text (column 3, lines 60-64, with stroboscopic light source in operation, as device 20 is moved by hand along a line of text printed).

Regarding claims 22 and 25, it recites similar limitation as claims 5 and 8 are similarly analyzed.

Regarding claims 18 and 20, it recites similar limitation as claims 1 and 10 are similarly analyzed.

Regarding claim 26, it recites similar limitation as claim 9 is similarly analyzed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, 6-7, 11-13, 15-17, 19, 21 and 23-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkerson (U.S. patent 4,804,949) in view Dunkley et al (U.S. patent 4,752,965).

Regarding claims 2 and 4, Faulkerson fails to disclose handwritten data, "such as a human signature or human-generated graphics". On the other hand Dunkley in same filed hand-held monitor teaches scanning the signature, determines the relevant static characteristic data. This may be any conventional data such as the length of signature and /or number of vertical reversals (or graphic) (column 6, lines 9-21).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Faulkerson scanning system invention according to the teaching of Dunkley because it provides sign verification particularly for

use with credit cards or the like where it is necessary to verify the identity of person wishing to gain access, which can easily be implemented in an scanning device such as hand-held monitor.

Regarding claims 6 and 7, Faulkerson fails to disclose "receiving component can be removed from user-supportable housing by a user. On the other hand Dunkley in same filed hand-held monitor teaches: the cashier then withdraws (remove) the writing pad unit 1 and offers it to the customer who signs the docket (column 5, line 61-68).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Faulkerson scanning system invention according to the teaching of Dunkley because it provides important advantages that the writing pad unit may be simple and compact in construction enabling it to be offered to the customer in any convenient position, which fully satisfies the requirement of the claims 6 and 7.

Regarding claims 11-13, 15, 19 and 21, it recites similar limitation as claims 2 and 4, are similarly analyzed.

Regarding claims 16-17 and 23-24, it recites similar limitation as claims 6 and 7, are similarly analyzed.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent (4,910,593) to Well is cited for system for geological defect detection utilizing composite video-infrared thermography.

U.S. patent (5,023,922) to Abramovitz et al is cited for optical character reader.

U.S. patent (5,019,697) to Postman is cited for data collection system using memory card.

U.S. patent (4,901,364) to Faulkerson is cited for interactive optical scanner.

U.S. patent (4,578,571) to Williams is cited for portable bar code scanning device and method.

U.S. patent (4,809,351) to Abramovitz et al is cited for optical character reader.

U.S. patent (4,104,616) to Isshiki et al is cited for hand operated optical character recognition system.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian
Patent Examiner
Group Art Unit 2625
December 10, 2004

A handwritten signature in black ink, appearing to read "Seyed Azarian".